App. F. IX-4

Previous References. 1943. (Leyn) File No. L-7-43

Serial Nos. 1

Later References.

27-3-

(24)

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for November 1943

SUBJECT

Military Stores ordinance Act 1943

To

The compiler, Mysore Gazette

No RL 473- Leyn 27-43-1 dated 21st Dec 1943

orders the publication of the Act as Act No LV of 1943

17/1944

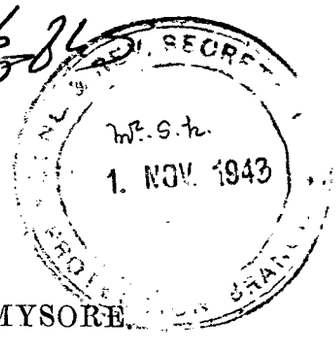
The Military Stores (Unlawful Possession) Ordinance, 1943 - No. XXXIII of 1943

Continuation Sheet. File No. Current No. of Page.

PP-38-634 3136/43

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. F.79-42(1)/W.



FROM

THE SECRETARY
TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Dated Bangalore, the 28th October *1943.*

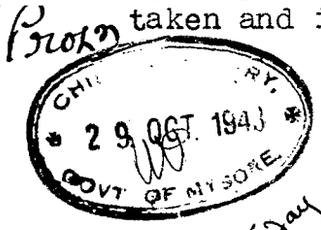
The Military Stores (Unlawful Possession)
Ordinance, 1943 - No.XXXIII of 1943.

.....

SIR,

I am directed to invite attention to the above-mentioned Ordinance, published in the Gazette of India, Extraordinary dated the 11th October 1943, and to state that His Excellency the Crown Representative wishes that if there is no objection a similar measure should be enacted in the Mysore State as early as possible.

2. I am to request that very early action may be taken and intimated to this Residency.



Today 1/11

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

1/11

MAP.

Submitted

1 A Copy of the Extraordinary Gazette of India dt 11th Oct 1943 is put up. The Residency states that His Excellency the Crown Representative wishes that a similar measure may be passed here as early as possible.

A draft of an enactment is put up

The Military Stores (Unlawful Possession) Ordinance of 1943

Continuation Sheet. File No. 3136 of Page.
Current No.

for Consideration

3 2) The Crown Representative desires
2/11 that a similar enactment should be made in
2.11.43 Mysore. A draft is accordingly submitted for
consideration

3) The subject matter of the enactment is the penalising of unlawful possession of Military Stores belonging to His Majesty or any foreign Powers in alliance with him. As such it falls under clauses (b) and (c) of section 2 of the Govt of Mysore Act, viz, the relations of His Highness the Maharaja with His Majesty the King-Emperor, and is therefore excluded from the purview of the Representative Assembly and the Legislative Council. The Bill need not therefore be placed before the two Houses, but will come into force on receiving the assent of His Highness the Maharaja

MRV
2/11

Chief Secy)

MRV
2/11/43

Dewan

MRV 3/11

Mio Law Sec.

4) It does not contravene S 295 of the Govt of Mysore Act. Draft is

3-11-43

CHIEF SECY. 2591 2. NOV. 1943 GOVT. OF MYSORE

SECY. LAW DEPT 3 NOV. 1943 GOVT OF MYSORE

The military stores ... (... Possession)

Continuation Sheet. P-P File No. Current No. 38 of 43 Page.

an offence is now punishable under the Customs Law. The new Act ... the Customs Act 1901.

5) So an Emergency Act may be passed under S.51 (39) of the Constitution ...

Minister for Law
Minister for Ed
& Defence

2534

4.11.43.
2650

& may be desirable ... circulated

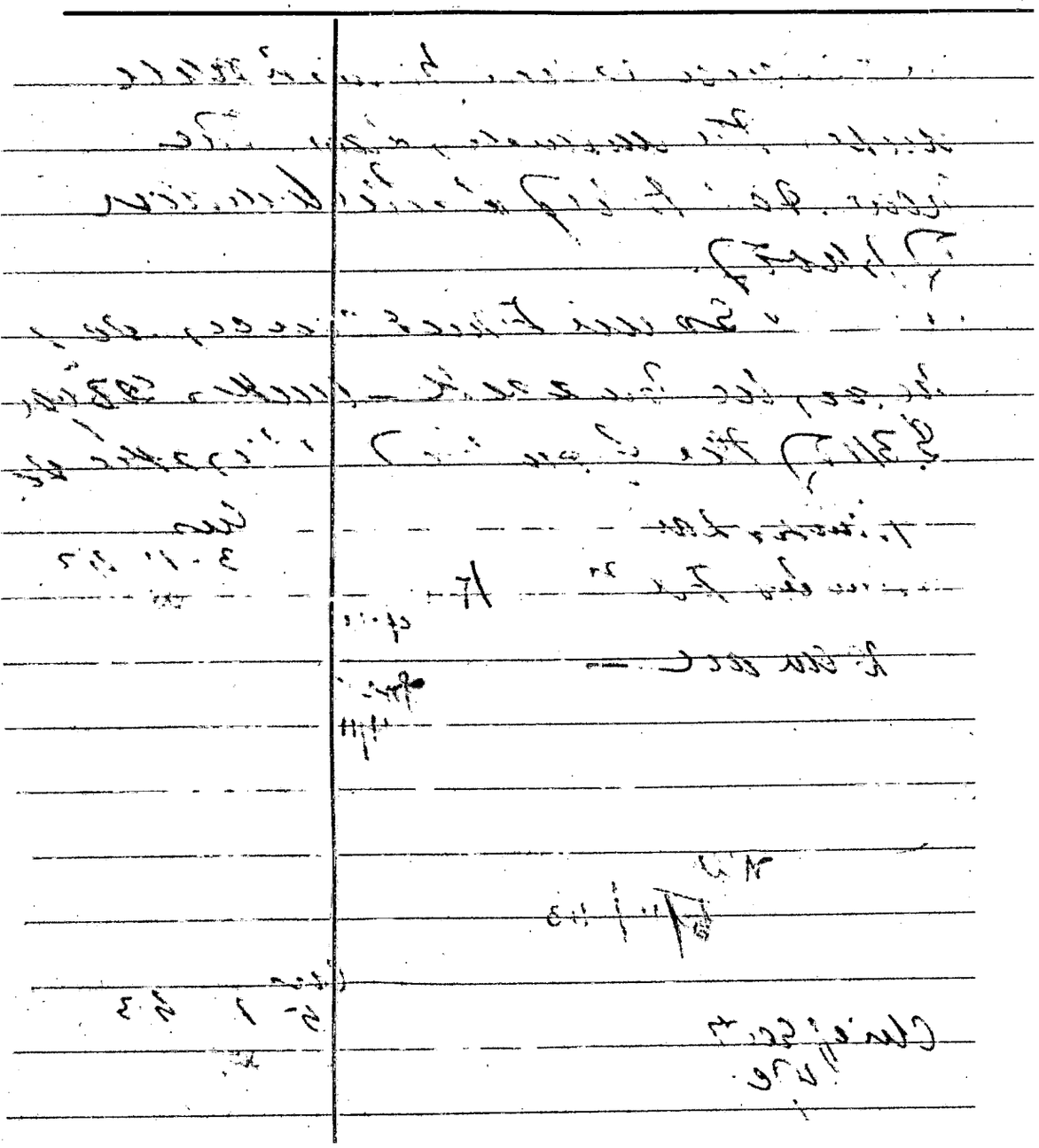
OFFICE OF THE MINISTER FOR REPUBLIC & LAW
3 NOV 1943
No. 2722

Brief note for circulation is put up.
6.11.43.
C.B.

Chief Secy
6) Submitted with circulation Memo.
8/11/43

8/11/43

Continuation Sheet. File No. / Current No. of Page.



N O T E.

Subject: The Military Stores (unlawful possession) Act 1943.

The Residency, in their letter No. F. 79-42 dated 28th October 1943, invite reference to the publication by the Government of India in their Extraordinary Gazette dated 11th Oct.1943 of the above mentioned Act and ~~request~~ state that His Excellency the Crown Representative wishes that a similar measure should be passed in the State as early as possible.

The subject matter of the enactment is the penalising of unlawful possession of Military Stores belonging to His Majesty or any foreign power in ~~allowance~~ alliance with him. To secure the above object, it is proposed to pass an Emergency Act under Section 31 of the Government of Mysore Act.

For Disposal by Circulation. **No. C. 365**

..... of 1943-44.

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

The Military Stores (Unlawful Possession) Act 1943.

Circulated to the Council of Ministers.

By Order,

8th November 1943. *Chief Secretary to Government.*

Minister for Revenue and Law. (Seen)

791/9/11 **Minister for Public Works.** 9.11.43

2901/9/11 **Minister for Local Self-Government and Public Health.** 10.11.43

9425/10/11 **Minister for Industries and ~~Commerce~~ Supplies.** 10/11

Minister for Education. (Seen) Gen'l Secy 10/11

WD 02720—GPB—500—24-4-43

10/11/43

10/11

The Military Stores (unlawful possession) Act, 1943.

Continuation Sheet. File No. Current No. of 2136 Page.

D.F. to. prbd for appl.

13/4

13.11.43

Chief Secy)
Min, P.W.) UG

13/11/43

13/4

CHIEF 3302
13 NOV. 1943
SECRETARIAT OF MYSORE

8856

OFFICE OF THE MINISTER FOR PUBLIC WORKS
15 NOV. 1943
No. 2974

F.N. placed below.

15/4

Draft S.N. is submitted

3579

16/11

4/4

Chief Secy) for appl.
Dewan) UG

17/11/43

14/11

SECRETARY TO THE LEGISLATIVE ASSEMBLY AND THE LEGISLATIVE COUNCIL

A spare copy of the Act is put up herewith. The file will be recorded, if approved.

A

4-2-44

4-2-44

Final Note by the Minister for Public Works

Subject.— The Military Stores (unlawful possession) Act, 1943.

M+K 'N' The Residency in their letter No.F.79-42 dated 28th October 1943, invited reference to the publication in the Gazette of India Extraordinary dated the 11th October 1943 of the above mentioned Act, and stated that His Excellency the Crown Representative wishes that a similar measure should be passed inthe State as early as possible.

The subject of the enactment is the penalising of unlawful possession of Military Stores belonging to His Majesty or any Foreign Power in alliance with him. To secure the above object, it is proposed to pass an Emergency Act under Section 31 of the Government of Mysore Act.

S 6,7+ The Dewan and other Ministers have agreed to this proposal and I solicit the gracious approval of His Highness to the same.

Bangalore,
15th November 1943.

MINISTER FOR PUBLIC WORKS.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Public Works on the subject of the proposal to pass an Emergency Act called the Military Stores (unlawful possession) Act. 1943, for His Highness's gracious approval.

N Madhava Rau

DEWAN.

Bangalore,
18th November 1943.

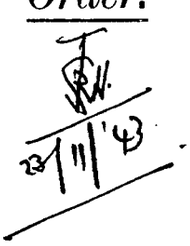
Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to pass an Emergency Act called the Military Stores (unlawful possession) Act 1943.

No. 373

Order.



Chief Reg

26/11/43

313

C365

General and Revenue

Secretariat.

SUBJECT:—

Proposal to pass an Emergency Act called the Military Stores (unlawful possession) Act 1943.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

M Visvesvaraya
Chief Secretary to Government.
26/11/43

Through the Secretary to Government,

....~~Law~~.....Department.

3034
29/11/43

Minister for Revenue and Law.

TVC 29.XI

3352
30/11

Minister for Public Works. JTH 30.11.

3484
1/12

Minister for Local Self-Govt. and Public Health. H G
2.12.43

2980
2.12

Minister for Industries and ~~Commerce~~ Supplies. 3/12

3422
3/12

Minister for Education. 3/12

Law fees 4/12

NOTE.—Contn. sheet

WD 02718—GPB—500—21-4-43

6.12.43

4/12

The enactment framed is placed below (flag T). If approved this may be transferred to the Legislative Section for taking further action.

yes.
MWV 8/12

8/12
MWV 8/12

BXR 1
9-12-43

3438

2. The Supt. R.A.F.d.c. W/c

On packing 2 & 3, please verify if Naval forces may be included since the 3rd rank Dance Prince is equally in your Act.

Can
13-12-43

Govan

BXR
(13-12)

MM
14/12/43

Can
15-12-43

BXR
15-12-43

Draft is amended and put up for approval

Secy (R.A.F.d.c) Pom 15-12-43

BXR
15-12-43

The Act should appear in Annamai Gazette. Action be taken accordingly at once

2
15.12.43

As directed a draft notification as Act no. IV of 1943 declaring the same is for approval for publication

Secy (R.A.F.d.c) Pom 15-12-43

BXR
15-12-43

Law Secy

Jeng 15/12
15-12-43

Can 15-12-43

BXR 15-12-43

Pom 15-12-43

BXR 15-12-43

Law Secy

Can 16-12-43

Learn there was no need to have sent to me

15.12.43
3749

The Military Stores (Unlawful Possession) (Emergency) Act, 1943

Continuation Sheet. File No. 280/42 Page. of

Subd
The draft notification put up is for approval. It could ~~that in the event of the Gazette only~~ be seen that it may appear in the Gazette

JN 18/12/43

BUN 18/12

Secy (RA Le) 20-12-43

BXR 20.12.43

To

~~The Notification in the Gazette~~

~~No. R.L. 67.3 of the Legislative Dept. dated 21st Dec 1943~~

~~declaring the application of the Act as A.L.V~~

1943

GOVT. LAW DEPT. 1941 '43 GOVT OF MYSORE

OFFICE OF THE SECRETARY

A... 1943

REPRESENTATIVE ASSEMBLY

LEGISLATIVE COUNCIL

2nd 1944

REGISTERED No. L. 3131.

The Gazette of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, MONDAY, OCTOBER 11, 1943

GOVERNMENT OF INDIA
LEGISLATIVE DEPARTMENT

New Delhi, the 11th October, 1943

Act

ORDINANCE No. ~~XXXIII~~ OF 1943.

AN

ORDINANCE Act

to make special provision for the punishment of the offence of unlawful possession of military stores.

WHEREAS an emergency has arisen which renders it necessary to make special provision for the punishment of the offence of unlawful possession of military stores;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act,

Price anna 1 or 1½d.

His Highness the Maharaja is pleased to enact as follows:

1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(*1*) This Ordinance may be called the Military Stores (Unlawful Possession) Ordinance, 1943.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

2. *Definition.*—In this Ordinance, " military stores " includes any article intended for use in the equipment of or for supply to the naval, military or air forces of His Majesty or of any foreign Power allied with His Majesty.

3. *Unlawful possession of military stores.*—Whoever is found or is proved to have been in possession of any article of military stores shall, if the Court sees reasonable grounds for believing such article to be or to have been the property of His Majesty or of a foreign Power allied with His Majesty, as the case may be, unless he proves that the article came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years or with fine or with both.

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI

Act No. of 1943.

An Act

to make special provision for the punishment of the offence of unlawful possession of military stores;

Whereas the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to provide for the punishment of the offence of unlawful possession of military stores;

Now therefore in exercise of the powers conferred by section 31 of the Government of Mysore Act, 1940;

It is hereby enacted as follows:-

1. Short title, extent and commencement.-

This Act may be called the Military Stores (Unlawful Possession) Act, 1943.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

2. Definition.-

In this Act "military stores" includes any article intended for use in the equipment of or for supply to the naval, military or air forces of His Majesty the King-Emperor or of any foreign Power allied with His Majesty.

3. Unlawful possession of military stores.-

Whosoever is found or is proved to have been in possession of any article of military stores shall, if the Court sees reasonable grounds for believing

such article to be or to have been the property of His Majesty the King Emperor or of a foreign Power allied with His Majesty, or of His Highness the Maharaja as the case may be: unless he proves that the article came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years or with fine or with both

DEWAN.

ACT NO. IV OF 1943.

THE MILITARY STORES (UNLAWFUL POSSESSION) (Emergency) Act, 1943

AN ACT TO MAKE SPECIAL PROVISION FOR THE PUNISHMENT OF THE OFFENCE OF UNLAWFUL POSSESSION OF MILITARY STORES.

(Received the assent of His Highness the Maharaja on the 23rd day of November 1943.)

WHEREAS the Government of His Highness the Maharaja that circumstances exist which render it necessary to take immediate action to provide for the punishment of the offence of unlawful possession of Military Stores;

Now, therefore, in exercise of the powers conferred by section 81 of the Government of Mysore Act, 1940.

It is hereby enacted as follows:-

Short title, extent and commencement.

1. This Act may be called the Military Stores (Unlawful Possession) (Emergency) Act, 1943.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definition.

2. In this Act "military stores" includes any article intended for use in the equipment of or for supply to the naval, military or air forces of His Majesty the King-Emperor or of any foreign Power allied with His Majesty the King Emperor, or of His Highness the Maharaja.

Unlawful possession of military stores.

3. Whoever is found or is proved to have been in possession of any article of military stores shall, if the court sees reasonable grounds for his believing such article to be or to have been the property of His Majesty the King-Emperor or of a foreign power allied with His Majesty, or of His Highness the Maharaja as the case may be, unless he proves that the articles came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(Sd) N. Madhava Rao

DEWAN.

DRAFT FINAL NOTE.

H.H. 372

The Military Stores (unlawful possession) Act, 1943.

The Residency in their letter No.F 79-42 dated 28th October 1943, invited reference to the Rublication ~~by the Govern~~ in the Gazette ~~ment~~ of India, ~~in the~~ Extraordinary ~~Gazette~~ dated the 11th October 1943 of the above mentioned Act, and stated that His Excellency the Crown Representative wishes ~~th~~ that a similar measure should be passed in the State as early as possible.

The subject of the enactment is the penalising of unlawful possession of Military Stores belonging to His Majesty or any Foreign Power in alliance with him To secure the above object, it is propose to pass an Emergency Act under Section 31 of the Government of Mysore Act.

The Dewan and other Ministers have agre ~~with me to the enactment of this measure~~ to this proposal, ~~of the ministers for Revenue & Laws~~ and I solicit the gracious approval of His Highness to the same ~~above proposal~~.

MINISTER FOR ~~REVENUE & LAW~~ Public Works.

13/11/43

K.M.R.1.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. RL 473 Legis 27-43-1 Dated, Bangalore, 21st Dec 1943

Ordered that the accompanying Military Stores (unlawful possession) (Emergency) Act, 1943

which received the assent of His Highness the Maharaja, on the 23rd day of November 1943, be published as Act No. IV of 1943, in the *Mysore Gazette*, for general information.

General Secretary to Government.
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, dated 23rd Dec 1943 in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section

THE PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Order No... Dated, Bangalore, 21st Dec. 1943.

Ordered that the accompanying Military Stores (Unlawful Possession) (Emergency) Act, 1943 which received the assent of His Highness the Maharaja, on the 23rd day of November 1943, be published as Act No. LV of 1943, in the Mysore Gezette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gezette, for publication in Part IV of the Gezette, dated 23rd December 1943 in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Snc.

ACT NO. LV OF 1943.

The Military Stores (unlawful possession) (Emergency) Act 1943

AN ACT TO MAKE SPECIAL PROVISION FOR THE PUNISHMENT OF THE OFFENCE OF UNLAWFUL POSSESSION OF MILITARY STORES.

(Received the assent of His Highness the Maharaja on the 23rd day of November 1943.)

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to provide for the punishment of the offence of unlawful possession of Military Stores;

Now, therefore, in exercise of the powers conferred by section 81 of the Government of Mysore Act, 1940.

It is hereby enacted as follows:-

Short title, extent and commencement.

1. This Act may be called the Military Stores (Unlawful Possession) (Emergency) Act, 1943.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definition.

2. In this Act "military stores" includes any article intended for use in the equipment of or for supply to the naval, military or air forces of His Majesty the King-Emperor or of any foreign Power allied with His Majesty the King Emperor, or of His Highness the Maharaja.

Unlawful possession of military stores.

3. Whoever is found or is proved to have been in possession of any article of military stores shall, if the court sees reasonable grounds for believing such article to be or to have been the property of His Majesty the King-Emperor or of a foreign power allied with His Majesty, or of His Highness the Maharaja, as the case may be, unless he proves that the article came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years or with fine or with both.

(Sd) N. Madhava Rau
DEWAN.

NOTIFICATION.

Order No. Rl. 473—Legis. 27-43-1, dated Bangalore, the 21st December 1943.

Ordered that the accompanying Military Stores (Unlawful Possession) (Emergency) Act, 1943, which received the assent of His Highness the Maharaja, on the 23rd day of November 1943, be published as Act LV of 1943, in the *Mysore Gazette*, for general information.

By Order,

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT LV OF 1943.

THE MILITARY STORES (UNLAWFUL POSSESSION) (EMERGENCY) ACT, 1943.

An Act to make special provision for the punishment of the Offence of unlawful possession of Military Stores.

(Received the assent of His Highness the Maharaja on the 23rd day of November 1943.)

WHEREAS the Government of His Highness the Maharaja is satisfied that circumstances exist which render it necessary to take immediate action to provide for the punishment of the offence of unlawful possession of Military Stores;

Now, therefore, in exercise of the powers conferred by section 31 of the Government of Mysore Act, 1940, it is hereby enacted as follows :—

Short title, exten and commencement.

1. This Act may be called the Military Stores (Unlawful Possession) (Emergency) Act, 1943.

(2) It extends to the whole of Mysore.

(3) It shall come into force at once.

Definition.

2. In this Act, " military stores " includes any article intended for use in the equipment of or for supply to the naval, military or air forces of His Majesty the King-Emperor or of any foreign Power allied with His Majesty the King-Emperor, or of His Highness the Maharaja.

Unlawful possession of military stores.

3. Whoever is found or is proved to have been in possession of any article of military stores shall, if the Court sees reasonable grounds for believing such article to be or to have been the property of His Majesty the King-Emperor or of a foreign Power allied with His Majesty, or of His Highness the Maharaja, as the case may be, unless he proves that the article came into his possession lawfully, be punishable with imprisonment for a term which may extend to five years or with fine or with both.

N. MADHAVA RAU,
Dewan.

Price: 0-0-6.

Printed by the Superintendent at the Government Press, Bangalore.